

REMARKS

Claims 1-8, 23-29, and 35-42 stand rejected in the Office Action dated November 17, 2008 ("Office Action"). The amendment in response to the Office Action filed on January 16, 2009 is withdrawn and the present amendment is submitted as a substitute amendment. Claims 1, 3 and 23 are currently amended. Claims 9-22 and 30-34 are canceled. Thus, claims 1-8, 23-29, and 35-42 are currently pending in the application, of which claims 1, 3, and 23 are independent. No new matter is added to the application by the claim amendments. The claim amendments are supported by the original application, for example, at Figures 3 and 4, paragraphs 54-71, and others. Reconsideration of the claims in accordance with the following remarks is respectfully requested.

Interview Summary

An Examiner interview was held on February 11, 2008. Michael K. Henry, William E. Hunter, and Examiner Darrin Dunn attended the telephone interview. During the interview, claim 1 and the *Kobata* reference were discussed. No agreement was reached.

Information Disclosure Statement

Applicant filed an Information Disclosure Statement and PTO Form 1449 on December 20, 2007 (2 pages). The Form 1449 returned with the Office Action mailed April 16, 2008 indicates the U.S. publication documents, foreign patent documents and non-patent documents on page 2 were considered by the Examiner. However, the first page of the 1449 was not returned. Applicant respectfully requests that the Examiner consider the references on page 1 of the 1449 and provide the appropriate indication that the cited items were considered.

Claim Rejections – 35 U.S.C. § 112

Claim 1 is rejected as lacking an insufficient antecedent basis for the limitation of "the authentication program" in line 14, but previously reciting "a software program." Claim 1 is further rejected as lacking an insufficient antecedent basis for the limitation of "response to the

request” in line 11. Claim 23 is rejected as lacking an insufficient antecedent basis for the limitation of “the authentication program” but previously citing “a software program”. It is noted that “the authentication program” refers back to “*a software program* comprising instructions operable to cause one or more data processing apparatus to perform operations *effecting the authentication procedure*,” and thus “the authentication program” has antecedent basis in the previously presented claim. However, the claims are currently amended to obviate the rejection. Accordingly, withdrawal of the rejections of claims 1 and 23 under 35 U.S.C. § 112 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3-4, 23, 25, 28, 36-37, and 42 stand rejected as allegedly being obvious under 35 U.S.C. § 103(a) over U.S. Pub. No. 2002/0077986 to Kobata et al. (“*Kobata*”). Claims 5-8, 26-27, and 38-41 stand rejected as allegedly being obvious under 35 U.S.C. § 103(a) over *Kobata* in view of U.S. Patent. No. 5,586,260 to Hu (“*Hu*”) in further view of U.S. Pub. No. 2005/0132083 to Raciborski et al. (“*Raciborski*”). Claims 2, 24, and 35 stand rejected as allegedly being obvious under 35 U.S.C. § 103(a) over *Kobata* in view of U.S. Pub. No. 2003/0135650 to Kano et al. (“*Kano*”). Claim 29 stands rejected as allegedly being obvious under 35 U.S.C. § 103(a) over *Kobata* in view of *Raciborski* in further view of U.S. Patent No. 7,233,981 to Tenereillo et al. (“*Tenereillo*”). The rejections are respectfully traversed because the cited references have not been shown to disclose the features of the present claims.

Claim 1, as amended, recites, among other things:

- subsequent to retrieving the document identifier, sending information specifying an acceptable authentication procedure;
- receiving an authentication procedure update request from the client in response to client processing of the information specifying an acceptable authentication procedure;
- obtaining, at the server and in response to the authentication procedure update request, a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the authentication procedure; and
- sending the software program to the client for use in identifying a current user and controlling the action with respect to the electronic document based on

the current user and document-permissions information associated with the electronic document.

Kobata has not been shown to disclose these claimed features. Pages 4 and 5 of the Office Action assert that *Kobata* discloses these features by allowing a user to modify digital rights. One of the cited portions of *Kobata* describes an "Upgrade" button that allows a user to receive additional digital rights to manipulate digital content. In particular, the cited paragraph of *Kobata* states:

Additionally, the GUI of the viewer 1820 may include a graphical "Upgrade" (or "Update") button, which may allow the end-user to automatically contact the content provider (e.g., the global rights manager unit 1830) through the communication pathway 1835 ***to receive additional digital rights to manipulate the digital content*** 1805. ***Selecting the "Upgrade" button*** may invoke an upgrade procedure by which the end-user is requested to provide authentication information such as, for example, a password.

Kobata at ¶ 252, emphasis added. It is noted that this portion of *Kobata* does not teach that the content provider receives an authentication procedure update request from a client in response to client processing of information that is sent to the client from the content provider. Instead, the content provider is contacted based on a user selecting the "Upgrade" button.

It is further noted that selecting the "Upgrade" button of *Kobata* does not result in a software program being sent to the client for use in identifying a current user. Instead, selecting the "Upgrade" button results in the end user receiving digital rights that allow manipulation of digital content. *Kobata* has not been shown to disclose that the received digital rights include a software program. Rather, it appears that the digital rights define the extent to which a user can manipulate digital content. *See, e.g., Kobata*, ¶ 252. Moreover, *Kobata* does not disclose that the "upgrade procedure by which the end user is requested to provide authentication information" is obtained at a server and sent to a client. Instead, the upgrade procedure apparently already exists at the client when the "Upgrade" button is selected.

The Office Action also cites ¶ 31 of *Kobata*, which states that

[t]he rights may be modified by transmitting to the receiving computer a replacement set of rights or changes to the rights. The sending computer may be sent a notification that the rights have been modified. When rights include information identifying a viewer to be used in manipulating the digital asset,

modifying the rights may include modifying the information identifying the viewer to change the viewer to be used in manipulating the digital asset. Rights modification may be used to implement an asset recall function by modifying the rights defining how the digital asset may be manipulated to prevent a user of the receiving computer from manipulating the digital asset in any way. The asset recall function also may include deleting the digital asset from the receiving computer.

Kobata, ¶ 31. The cited paragraph fails to disclose that the “sending computer” receives an authentication procedure update request from the “receiving computer,” let alone that the “sending computer” receives an authentication procedure update request from the “receiving computer,” in response to the “receiving computer” processing information that is sent to the “receiving computer” from the “sending computer.” Paragraph 31 of *Kobata* describes the “sending computer” receiving only a notification that the digital rights have been modified.

For at least these reasons, *Kobata* has not been shown to disclose the features of claim 1, and the rejection of claim 1 is deficient. Claims 2 and 4-8 depend from claim 1 and include all of its limitations. For at least the reason that the rejection of claim 1 is deficient, the rejections of claims 2 and 4-8 is also deficient. Moreover, none of *Hu*, *Raciborski*, or *Kano* has been applied to address the deficiencies of *Kobata*. Accordingly, withdrawal of the rejections of claims 23-29 and 35-42 is respectfully requested.

Claim 3, as amended, recites, among other things:

- receiving an updated authentication procedure;
- receiving a subsequent request from the client to take the action with respect to the electronic document;
- obtaining, at the server and in response to the request, a new software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the updated authentication procedure;
- sending the new software program to the client for use in identifying the current user and controlling the action with respect to the electronic document based on the current user and the document-permissions information associated with the electronic document.

For similar reasons as those discussed above with regard to claim 1, the rejection of claim 3 is also deficient. Accordingly, withdrawal of the rejection of claim 3 is respectfully requested.

Claim 23, as amended, recites, among other things:

a client that sends an authentication procedure update request to a server in response to client processing of information received from the server, wherein the information received from the server specifies one or more acceptable authentication procedures;

the server that receives the authentication procedure update request, and in response to the client, the server obtains and sends a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting an authentication procedure; and

wherein the client uses the software program to identify the current user and control an action with respect to an electronic document based on the current user and document-permissions information associated with the electronic document, and wherein the action comprises an action taken with respect to the electronic document subsequent to opening the electronic document at the client.

For similar reasons as those discussed above with regard to claim 1, the rejection of claim 23 is also deficient. Claims 24-29 and 35-42 depend from claim 23 and include all of its limitations. For at least the reason that the rejection of claim 23 is deficient, the rejections of claims 24-29 and 35-42 are also deficient. Moreover, none of *Hu*, *Raciborski*, *Kano*, or *Tenereillo* has been applied to address the deficiencies of *Kobata*. Accordingly, withdrawal of the rejections of claims 23-29 and 35-42 is respectfully requested.

CONCLUSION

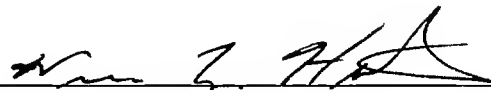
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned agent to schedule the telephone conference.

A Request for Continued Examination and Information Disclosure Statement are being filed simultaneously herewith. The Request for Continued Examination fee in the amount of \$810 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account No. 06-1050 authorization. No additional fees are believed due at this time. However, if this is incorrect, please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Feb. 17, 2008



William E. Hunter
Reg. No. 47,671

Fish & Richardson P.C.
PTO Customer No. 20985
Telephone: (858) 678-5070
Facsimile: (858) 769-7945